

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**December 15, 2011**

**APPLICATIONS: #3653, 3654 and 3655**

## **MINUTES OF THE MEETING:**

**At the call of the Chairman, Thomas Kraig, the Board met with Peter Dennehy, Mark Freel, Ian Ridlon, Dave Rizzolo and Stephen Venuti.**

**Also present was solicitor Andrew Teitz and Building Official Robert Speaker.**

**At 7:05 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 7:33 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on applications #3653 and #3654. At 7:40 P.M. the public participation portion of the meeting was reopened to hear application #3655.**

**Application #3653, ASL Development Company, LLC for VTR Bay Spring, LLC, 147 Bay Spring Avenue, Barrington, RI 02806, application, VTR Bay Spring, LLC, 401 S 4th Street, Louisville, KY 40202, owner, for permission to construct an eight-foot fence; Assessor's Plat 1, Lot 36, Elderly Housing District, 147 Bay Spring**

**Avenue, Barrington, RI 02806, requiring a dimensional variance for fence height.**

**Present: James Lane, ASL Development Company, 147 Bay Spring Avenue, Barrington, RI**

**There was no one in the audience to speak for or against this application.**

**Mr. Lane explained that Atria Bay Spring Village is seeking to build a 1600 square foot garden to be used by their dementia patients. In order provide protection for the patients and discourage climbing, Atria would like to erect a six-foot plastic board fence with a two-foot lattice style extension at the top, bringing the total fence height to eight feet.**

**The fence will have landscape shrubs around the exterior of the fence, and will be located 45 feet from the sidewalk, making it 57 feet from the street. The fence will have exit gates that are designed to open in the event of a fire. It was noted that the Technical Review Committee has reviewed the proposal and has recommended approval of the plan.**

**MOTION: Upon a motion by Mr. Freel, with a second by Mr. Venuti, the Board voted unanimously (5-0) to grant this application.**

## **DISCUSSION:**

**The Board members stated they were in favor of approving the application for the following reasons:**

**„« The proposed fence is well within the interior of the property and will not impact the abutting neighbors**

**„« The needs for additional security is compelling and reasonable**

**„« The additional two feet is not sheer, allowing light through, minimizing its impact**

## **REASON FOR DECISION:**

**It was the judgment of the Board that the standards in Section j±185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section j±185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.**

**Application #3654, Shelly Cortese, 29 Barrington Avenue, Barrington, RI 02806, applicant and owner, for permission to construct a 16' x 20' addition; Assessor's Plat 22, Lot 79, R-10 District, 29 Barrington Avenue, Barrington, RI 02806, requiring dimensional relief for rear yard setback.**

**Present: Shelly Cortese, 29 Barrington Avenue, Barrington, RI**

**There was no one in the audience to speak for or against this application.**

**Ms. Cortese explained that she is seeking to create an addition in order to expand her kitchen and create more living space. The existing home is small and the lot is a corner lot, creating two front yard setback requirements. Due to the current layout of the house, including an entry door, the proposed location is the only logical location for the addition; it could not be moved further from the setback back requirements. It was noted that at its closest point the existing house is 14'7" from the rear setback, while the proposed addition will be 14'9" from the setback at its closest point.**

**MOTION: Mr. Venuti moved to approve the application. Mr. Freel seconded the motion and it carried unanimously (5-0).**

**DISCUSSION:**

**The Board members stated they were in favor of approving the application for the following reasons:**

**„« The proposed location is the only logical location for the addition**

**„« The proposal is modest in scale**

**„« The proposed addition will not be closer to the setback than the existing house**

#### **REASON FOR DECISION:**

**It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.**

**Application #3655, Carmine Borelli's Bakery, Inc., 805 Charles Street, Providence, RI 02904, applicant and Lessee, K&M Investments, LLC,**

**P.O. Box 603208, Providence, RI 02906, owner, for permission to open a retail bakery; Assessor's Plat 2, Lot 105, Neighborhood Business District, requiring a Special Use Permit for food preparation and/or sales.**

**Present: Andrew Sholes, attorney for applicant, 1375 Warwick Avenue, Warwick, RI**

**Carmine Borelli, 805 Charles Street, Providence, RI**

**Before the presentation began Mr. Ridlon asked if the proposed use was covered under the previously granted Special Use Permit. Mr. Teitz reviewed the minutes and decision of application #3531 from May 21, 2009. Upon completing the review, it was Mr. Teitz's determination that the food preparation and sales use proposed with the new application, #3655, was permitted by right under the Special Use Permit granted in May 21, 2009. Therefore, there was no need to move forward with the application. The applications then requested to withdraw their application.**

**Because the application was withdrawn without any further action on it by the Board, there was no opportunity for potential objectors in the audience to present their objections.**

**MOTION: Mr. Freel moved to withdraw this application based on the determination made by the solicitor that the proposed use is covered by the previous approval. Mr. Rizzolo seconded the motion and it**

**carried unanimously (5-0).**

**Discussion/Decision regarding the order of hearing applications**

**This matter was continued to the January 19, 2012 meeting.**

**MINUTES OF THE PREVIOUS MEETING:**

**A motion was made by Mr. Ridlon and seconded by Mr. Freel to accept the November 29, 2011 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).**

**ADJOURN:**

**There being no other business, Mr. Freel moved to adjourn at 7:50 P.M. Mr. Ridlon seconded the motion and the meeting was adjourned.**

**Respectfully submitted,**

**Valerie Carroll, Secretary**

**Thomas Kraig, Chairman**

**cc: Andrew Teitz, Solicitor**